



The Curious Case of Lobbying in Ireland

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■ *Editorial*

The curious case of lobbying in Ireland: an introduction

Interest groups play a central role in Irish society by theoretically acting as a conduit between citizens and the government. Interest groups are, however, much more than simple conduits and lobby in the expectation that they will receive some tangible benefits for their efforts. In that context, the access and expectation such groups have to, and on, Irish policymakers can be of great significance for policy outcomes in the Irish state. Interest group activity in Ireland spans numerous strands and can be identified on three levels: social partnership, where sectional groups, such as trade unions, employers and farmers' interests, had central roles on the economic governance of the state between 1987 and 2009; cause advocacy, where groups attempt to influence policy outcomes in specific areas; and private lobbying, where a feature of policymaking in Ireland in recent years has been the increasingly vigorous lobbying on behalf of business or private interests, in an attempt to influence specific government policy.

The aim of this special issue of the *Journal of Public Affairs* is to shine some light on the opaque and curious practice of Irish style lobbying. The question of access to decision making is crucial to interest group politics in Ireland. Once that access has been granted, interest groups develop an expectation that because they are inside the inner sanctum of power, governments will somehow do their bidding. The truth as the articles in this special issue makes clear is somewhat more circumspect.

Social partnership was the behemoth by which the Irish state governed itself from 1987 to just after the economic tsunami hit Ireland in the second half of 2008 when the financial crisis saw the Irish banks literally run out of money and having to be rescued by the infamous bank guarantee scheme. As Peter Stafford points out in his forensic examination of the structure and process of social partnership, the truth was that the real work was done by a small set of people, while many of the members of both unions and employers remained sidelined on the fringes of power. Over 20 years of social partnership led, however, to a corrosion of intellectual thinking in Irish policymaking whereby no one in power seemed to have even the slightest idea of what to

do once the economy started to go into freefall after the boom years of the Celtic Tiger ended with a significant thud in 2008.

The articles by Stephen Weir and Lorna Jennings assess the workings of individual interest groups and analyse their roles in the area of taxi policy and tobacco control and smuggling, respectively. Weir outlines how the taxi lobby initially exerted significant influence on the control and supply of the service. Once, however, the simplicity of the optimum policy solution for the public at large became clear, then the taxi lobby was unable to continue to hold their seemingly vice-like grip on the supply of taxi services. Furthermore, the taxi lobby's inability to accept any compromise left it fatally wounded once the government felt they could no longer allow the wider voting public to be disadvantaged by existing taxi policy. In that context, the access that the taxi lobby had to individual politicians was redundant in the face of a government dedicated to opening up the service as it would have potentially damaged them electorally had it not.

Jennings, in her sophisticated study of the Irish Cancer Society's campaign on the issue of tax on tobacco, notes that the Society realised that if it concentrated exclusively in the health arena in its 2008 pre-budget submission, then it would simply have failed in its aim. This is an important case study of an organisation needing to move beyond its own limited space, in this case health benefits, and instead direct itself to the wider fiscal space by engaging on an economic level in order to gain a wider and more sympathetic hearing from the government. Thus, the Irish Cancer Society was able to manoeuvre instantly into a position of influence by widening out its approach, whereas by steadfastly keeping to a traditional agenda and approach, the taxi lobby ultimately lost out.

The articles by Murphy, Hogan and Chari and by Kevin Rafter both examine the complex question of regulation in Irish policymaking. Rafter carefully outlines a significant consequence of the Irish ban on broadcast political advertising in that both political parties and interest groups are prevented

from using the most effective means of directly communicating with voters: television and radio. This has consequently resulted in the lack of equality in the treatment of different groups. Although the ban on paid political advertising applies to third party groups such as trade unions and charitable bodies, they do not have a corresponding entitlement to broadcasts at election times as do political parties, thus creating a very unequal playing pitch. The wide ranging restrictions on political advertising essentially preclude all forms of advertising on radio and television by lobby groups and thus limit their access to the wider public. This is an important conceptual point in that lobbying activity is not simply geared towards government but reaches much further. For Ireland, however, such political outreach is curiously prohibited despite Rafter's empirical data, suggesting that the public are not averse to receiving such messages.

Murphy, Hogan and Chari offer the results of one of the first significant questionnaires on lobbying regulation, given to politicians, lobbyists and administrators in the Republic of Ireland. They discovered that, despite lobbying having never been regulated in Ireland, large majorities of respondents believed lobbyists should be required to register when lobbying and that any contributions lobbyists make to political parties should be open to public scrutiny. This suggests that Irish politicians, administrators and, in particular, lobbyists would be willing to accept lobbying regulations being introduced in a polity that has suffered a dramatic crisis of confidence due to the economic collapse that has basically seen Ireland's financial affairs being run by the International Monetary Fund. Such regulation by opening up to public scrutiny as to who has access to the levers of power in Ireland should go some way to renewing a modicum of confidence in how the Irish state governs itself.

Gillian Smith also uses a questionnaire to shed much needed light on Irish attitudes towards political corruption. By gaining the views of elected representatives to a sample of hypothetical scenarios, Smith was able to measure the effectiveness of the ethics legislation introduced in Ireland since 1995. Her findings show that elected representatives of the national parliament have divergent perceptions on what constitutes corrupt behaviour. Importantly, the lack of consensus among representatives to many corrupt scenarios and their acceptance of many acts that are proscribed by the ethics laws indicate that these laws are not yet having the intended effect. In that context, the calls of scholars such as Murphy, Hogan and Chari and McGrath, for the implementation of lobbying regulation in Ireland, while necessary, will hardly be the panacea to corruption in Ireland.

Jonathan Fallon also considers the question of access in his lively insider account of lobbying in the corridors of the Irish parliament. He perceptively makes the point that if lobbying in Ireland is to become accountable, transparent and open, then lobbying activities must be clearly defined and those who sign up to this must gain from it and there can be no benefit for those who do not declare lobbying activities. This mirrors the point articulated by Murphy, Hogan and Chari that lobbying regulation must state exactly what lobbying is and what it is not. For Fallon, the lobbying process must start from a point that looks not at how lobbying is limited as a practice in itself but how bad lobbying is limited and good practice encouraged.

The tumultuous Irish general election of February 2011, as McGrath points out, was notable for the concentration placed on reform of the political system by all the main political parties. This included the governing Fianna Fáil party who under a new leader announced some truly radical notions (at least for Ireland) including bringing non-elected citizens into the cabinet. Lobbying reform was central to the planks of Fianna Fáil and the Green Party, as well as Fine Gael and Labour who were widely expected to form the new government after the election. There was a vague commitment to lobbying reform in the Programme for Government of the Fianna Fáil, Green Party and Progressive Democrat coalition after the 2007 election, which was firmed up when the programme was reconstituted in 2009. This was, to no one's surprise, let slide as the government slowly fell apart by late 2010. The Fine Gael/Labour coalition elected in 2011 with a massive majority has committed itself to introducing a register of lobbyists in its Programme for Government. Yet, it is the structure of the system that is the crucial point. In designing a system of regulation of lobbyists, it is crucial to write into the legislation why the establishment of a register of lobbyists is taking place and what it covers. It should also explicitly point out what it does not cover. Citizens need to be able to contact their representatives. Putting in place a register of lobbyists need not affect that. As McGrath notes, a comprehensive package of legislation with input from lobbyists themselves should be flexible enough to allow for adjustments over time as new issues emerge and as lobbying practice develops. In that context, lobbying—which rightfully remains an important part of the democratic process—would crucially come to be seen as an asset to the process of democracy in Ireland and not as the liability it is believed to be by many today.

We close by thanking a number of people for their contributions to this special issue—our authors who produced such excellent and insightful

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